REMARKS

The Notice of Allowance mailed 02/20/04 does not account for all the pending claims. In particular, the Notice indicates allowance of claims 1-13 and 16-18, and cancellation of claim 14 by Examiner's amendment. However, claims 15 and 19-22 are also pending in this application.

By this amendment, we cancel claim 15 as its subject matter is already encompassed by claim 1. We retain claims 19-22 which are method claims duly limited to the product of allowed claim 1, and hence properly subject to rejoinder (see, 9/8/03 Response, p.6, lines 6-7).

Claim 1 recites a recombinant cell which expresses a holo-phycobiliprotein fusion protein. Claim 19 recites a corresponding method comprising growing the cell of claim 1 to express the fusion protein. Claims 20-22 require (respectively) the additional steps of isolating the fusion protein, specifically detecting the fusion protein, and specifically detecting the fusion protein within the cell.

The Specification discloses and exemplifies methods for making the subject fusion proteins by expression in recombinant cells (e.g. p.11, lines 16-24; p.12, line 17 - p.18, line 20). In one embodiment, the fusion protein may be isolated (e.g. p.11, line 28; p.17, lines 1-2; etc.). However, in other embodiments, the claimed cells are used without isolating the fusion protein; for examples, for detecting location, movement, interactions, appearance, or catabolism of the fusion protein within the cell (e.g. p.11, lines 29-31).

The Specification discloses detecting the fusion protein within the cell (e.g. p.16, lines 31-32; p.11, line 29 - p.12, line 14) and isolated from the cell (e.g. p.17, lines 5-6). An illustrative example of in cell fusion protein detection is holo-phycobiliprotein based transcription reporter assays. These assays employ a recombinant cell which conditionally expresses the fusion protein, whereupon activation of a targeted transcriptional promoter, the fusion protein is formed and provides a reporter for the activation of the promoter. In this way, the disclosed fusion proteins may be substituted for other transcriptional reporters, such as luciferase and galactosidase, to obtain alternative spectroscopic readouts. Specification, p.11, line 32 - p.12, line 14.

Accordingly, the Specification provides ample disclosure and exemplification of detecting the recited fusion protein both within, and isolated from the claimed recombinant cells.

We petition for and authorize charging our Deposit Account No.19-0750 all necessary extensions of time. The Commissioner is authorized to charge any fees or credit any overcharges relating to this communication to our Dep. Acct. No.19-0750 (order B01-114-1).

Respectfully submitted,
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